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**CRL.M.P.Nos.14097 to 14099 of 2023
and CRL.A.Nos.249, 251 and 309 of 2022**

M.DHANDAPANI, J.

These petitions have been filed to permit the petitioner to bring on record the documents described in the attached list of documents as additional evidence in Crl.A.Nos.249, 309 and 251 of 2022.

2. The learned counsel appearing for the petitioner submits that the petitioner Company filed complaints against the respondents before the learned Metropolitan Magistrate FTC-III, Saidapet, Chennai, under Section 138 of the Negotiable Instruments Act, 1881, which were taken on file in C.C.Nos.7788 to 7790 of 2007, however, the trial Court, vide judgment dated 09.11.2017, acquitted the accused, holding that the appellant had not proved the fact of paying advance payments to the tune of Rs.3,36,00,000/- to the accused. The petitioner has proof to show the payments made by them to the respondents/accused and obtained the statement of account to that effect from the Bank. During the trial of the cases, the petitioner Company could not mark those documents described in the attached list of documents



which are now required to be marked, since the Company was facing various issues. Hence, the present petitions have been filed.

3. The learned counsel appearing for the respondents has serious objections to the submission made by the learned counsel appearing for the petitioner and submitted that the respondents supplied the iron ore materials to the petitioner and the petitioner only misused the cheque given by the respondents as security. Moreover, the petitioner Company has not produced the relevant documents for the payments made by them before the trial Court during the time of trial, which are now required to be marked, whereas, the learned counsel appearing for the petitioner submits that for non-supply of materials, the accused has issued the cheque, which was returned with endorsement 'insufficient fund'.

4. Though the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents raised several points, it cannot be decided in the present petitions filed for marking the documents



mentioned in the attached list of documents as additional evidence. Merely marking the documents mentioned in the attached list of documents will not cause any prejudice to the respondents. Hence, the petitioner is permitted to mark the documents described in the attached list of documents as additional evidence before the trial Court and the trial Court shall mark the documents produced by the petitioner after examining the evidence. On completion of evidence, the trial Court is directed to send the deposition and cross-examination along with original documents to this Court for passing appropriate orders. Liberty is granted to the respondents/accused to cross-examine the petitioner before the trial Court while marking the documents. The said exercise is to be completed within a period of two months from the date of receipt of a copy of this order.

5. Accordingly, the Criminal Miscellaneous Petitions are allowed.

07.06.2024

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